

Derek J. Meyer (CA Bar No. 278346)
PROSPECT LAW LLP
10990 Wilshire Boulevard, Suite 800
Los Angeles, California 90067
rmeyer@prospectlaw.com

Attorney for Plaintiff/Counter-Defendant
BOSTON BEER CORPORATION

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BOSTON BEER CORPORATION, a
Massachusetts corporation,

Plaintiff,

v.

DONAGHY SALES, INC., a California
corporation;

Defendant.

CASE NO.: 1:23-CV-00674-SKO

**STIPULATION REGARDING
SCHEDULING AND EXTENDING TIME
TO RESPOND TO COUNTERCLAIM
AND ORDER**

(Doc. 12)

Judge: Hon. Sheila K. Oberto

DONAGHY SALES, LLC, a California limited
liability corporation,

Counter-Plaintiff,

v.

BOSTON BEER CORPORATION, a
Massachusetts corporation

Counter-Defendant.

STIPULATION

Pursuant to Civil Local Rules 143 and 144, Plaintiff/Counter-Defendant Boston Beer Corporation (“Boston Beer”) and Defendant Donaghy Sales, Inc./Counter-Plaintiff Donaghy Sales LLC (“Donaghy”), by and through their respective counsel, enter into this Stipulation with respect to the following facts:

On May 2, 2023 Plaintiff filed its Complaint against Defendant in this matter. (ECF No. 1.)

On June 2, 2023, Plaintiff served the Complaint upon Defendant. (ECF No. 6.)

On June 21, 2023, the parties filed their stipulation extending Defendant’s time to respond to the Complaint for twenty-eight days through and including July 18, 2023. (ECF No. 7.)

Thereafter, the parties undertook and successfully concluded a process of agreeing to a conflict waiver that permits Defendant to be represented by the above-referenced attorneys. In the meantime, the parties agreed it was appropriate to extend Defendant’s time to respond to the Complaint for another thirty days, through and including August 17, 2023, which the Court subsequently ordered. (ECF No. 9.)

Donaghy filed its Answer, Affirmative Defenses and Counterclaim on August 17, 2023. (ECF No. 10.) Previously, the Court set a Scheduling Conference for August 24, 2023, and ordered the parties to submit a joint report in advance of the Scheduling Conference by August 17, 2023. (ECF No. 5.). In light of the filing of the above-referenced Answer, Affirmative Defense and Counterclaim, the Court adjourned the Scheduling Conference to September 28, 2023. (ECF No 11.)


The parties’ counsel have met and conferred regarding the above-referenced developments. In order to allow time for Plaintiff to review and consider Answer, Affirmative Defenses and Counterclaim, the parties have agreed to request that the Court (1) grant Plaintiff up to and including September 26, 2023 to file any response(s) to the Answer, Affirmative Counterclaim (including but not limited to any motions under FRCP 12) in light of an intervening arbitration hearing in The Hague, Netherlands for which Plaintiff’s counsel is participating in person and will be out of the country from at least September 6, 2023 through September 15, 2023, and (2) reschedule the

Scheduling Conference until October 12, 2023 or the soonest after that date that accommodates the Court's schedule for the Scheduling Conference.

IT IS HEREBY STIPULATED AND AGREED by and between the parties and their respective counsel, for good cause shown, that Plaintiff/Counter-Defendant shall have through and including September 26, 2023 within which to file any response(s) to the Answer, Affirmative Defenses and Counterclaim (including but not limited to any motions under FRCP 12) and that, subject to the Court's preferences and availability, the Scheduling Conference be October 12, 2023 or the most convenient date for the Court thereafter, with the joint report due seven days in advance of the date of the Scheduling Conference.

Dated: September 1, 2023

DORSEY & WHITNEY LLP

By: 

PATRICIA A. WELCH

Attorneys for Defendant Donaghy Sales, Inc.

Dated: September 1, 2023

PROSPECT LAW LLP

By: /s/ Derek J. Meyer

DEREK J. MEYER

Attorneys for Plaintiff Boston Beer Corporation

ORDER

Pursuant to the parties' foregoing stipulation, and for good cause shown, it is hereby ORDERED that Plaintiff/Counter-Defendant shall have through and including **September 26, 2023**, within which to file any response(s) to the Answer, Affirmative Defenses and Counterclaim (including but not limited to any motions under FRCP 12). The Mandatory Scheduling Conference currently set for September 28, 2023, is CONTINUED to **October 12, 2023**, at 9:45 AM in

1 Courtroom 7 (SKO) before Magistrate Judge Sheila K. Oberto. The parties shall file their joint
2 scheduling report by no later than seven (7) days prior to the Conference.
3

4 IT IS SO ORDERED.
5

6 Dated: **September 6, 2023**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE